

REMARKS

Claims 7-12 are pending, claim 11 is cancelled, claim 7 is amended and claim 12 is new. Basis for the amendment and the new claim is in the specification throughout (e.g., page 13, line 14; claim 1 as originally filed; and page 20, Table 3) and no prohibited new matter has been added.

Applicants respectfully request reconsideration of the rejections set forth in the recent Office action in view of the amendment to claim 7 and the remarks hereafter. Claim 7 has been amended with limitations of claim 11. Applicants reserve the right to pursue subject matter of claim 7 pending before this amendment in a continuation application. It is respectfully submitted amended claim 7 is allowable in accordance with the "Allowable Subject Matter" paragraph on page 10 of the Office action. A notice of allowance therefore is respectfully requested by the Applicants.

Restriction Requirement

The Office noted the requirement for restriction issued on 8 December 2004 was necessitated by Applicant's amendment to claims 7-11. Applicants wish to clarify issuance of this restriction requirement was not necessitated by the introduction of claims 7-11 or amendment of claim 7. Claim 1 as originally filed was directed to subject matter designated as Invention II on page 2 of the 8 December 2004 action. As claim 1 was pending when the Office issued the species election requirement on 1 July 2004, the Office could have rendered at that time the requirement for restriction later presented in the 8 December 2004 action. Thus, Applicants respectfully submit any delay caused by the requirement for restriction was not due to Applicants' actions.

Priority

Attached hereto is a certified copy of the priority document designated in the priority claim. Applicants respectfully request the Office now grant the priority claim.

Supplemental Information Disclosure Statement

Submitted herewith is a supplemental information disclosure statement, Form SB08 and a fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p). Copies of each document cited in the

SB08 form and a courtesy copy of the supplemental information disclosure statement and SB08 documents will be forwarded under separate cover.

Rejection for Alleged Anticipation

Claims 7-10, but not claim 11, were rejected under 35 U.S.C. §102(b) in view of Goldstein et al. The rejection is moot as claim 7 is amended with limitations of claim 11.

Rejection for Alleged Lack of Enablement

Claims 7-10, but not claim 11, were rejected under 35 U.S.C. §112, first paragraph, as allegedly not enabled by the specification. The rejection is moot as claim 7 is amended with limitations of claim 11.

CONCLUSIONS


Applicants respectfully submit the claims pending herein are in condition for allowance, and they solicit an early notice to such effect. The Examiner is encouraged to telephone the undersigned at (858) 623-9470 to promptly resolve any issues or questions that may remain.

In the unlikely event the transmittal letter is separated from this document and the Office determines that an extension and/or other relief is required, Applicants petition for any required relief, including extensions of time, and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 503473**.

Respectfully submitted,

Dated: 15 July 2005

By:


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